

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
Telephone Number Portability) CC Docket No. 95-116
)

To: The Commission

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**COMMENTS OF
THE RURAL TELECOMMUNICATIONS GROUP**

The Rural Telecommunications Group ("RTG"), by its attorneys, hereby respectfully submits these comments in response to the *Local Number Portability Administration, Wireless Wireline Integration Report ("NANC Report")* issued by the North American Numbering Council ("NANC") and associated with the above-captioned proceeding. RTG generally supports NANC's efforts to resolve the many issues surrounding the integration of wireless service providers into the wireline-centric local number portability ("LNP") process. The *NANC Report*, however, made no recommendation with respect to several key issues, such as the separation of the Mobile Identification Number (MIN) necessary to support nationwide roaming, that need to be resolved before wireless providers can be integrated into the LNP process. Indeed, NANC cannot make the necessary recommendations because many technical standards have yet to be developed or adopted. Until these issues are resolved, RTG's members cannot yet take the steps necessary to meet the deadlines for implementing LNP as mandated by the Commission. Therefore, RTG respectfully requests that the Commission delay the implementation of LNP as it applies to Commercial Mobile Radio Service ("CMRS") providers until the issues enumerated in the *NANC Report* are resolved.

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I. STATEMENT OF INTEREST

RTG is a group of rural telecommunications providers who have joined together to speed the delivery of new, efficient and innovative telecommunications technologies to the populations of remote and underserved sections of the country. RTG's members are both CMRS licensees and CMRS applicants, and thus are among those required to share the technical and financial burden of implementing number portability. Therefore, RTG has a vested interest in the development of standards and procedures necessary to enable CMRS providers' implementation of LNP.

II. DISCUSSION

A. The Commission Should Continue to Mandate LNP Between Wireless and Wireline Providers Despite Any Perceived "Disparity."

The "rate center issue" concerns a so-called "competitive disparity" that may result due to the differences between the call rating architectures of wireless and wireline providers. While some wireless providers may be technically unable to port telephone numbers to wireline carriers, no such technical restriction prevents wireline carriers from porting to wireless providers. NANC has recommended that the Commission "defer the introduction of portability between wireless and wireline service providers."¹

RTG does not agree with NANC's position regarding the "rate center issue." Because LNP has been analyzed from a purely wireline perspective until the present time, wireline carriers have had a unique opportunity to shape LNP policy. Wireline carriers would have the

¹ North American Numbering Council Wireless Wireline Integration Task Force, Rate Center Position Paper, January 20, 1998 ("Rate Center Paper").

Commission believe that a “competitive disparity” would unfairly penalize wireline carriers. Despite differences, however, between the call rating architectures of wireless and wireline providers and the resulting inability of some wireless providers to port telephone numbers to wireline carriers, there is no truth to the “competitive disparity” argument.

Assuming *arguendo* that such a disparity would result, the truth is that any lack of parity would be a result of market forces, rather than the result of any regulatory framework imposed by the Commission. While it may be likely that marketplace demand exists for porting from a wireline to a wireless provider,² *even if* the technical ability existed that would allow *all* wireless providers the ability to port to wireline providers, market demand for such service is highly unlikely.³ Thus, a disparity may exist regardless of whether wireless providers are able to port numbers to wireline carriers.

In addition, it is important to remember that the driving force behind the implementation of local number portability is the creation of local exchange competition.⁴ By retaining the

² One example where such demand may exist is in the case of subscribers that desire a secondary line into their home to access the Internet. Because CMRS providers do not yet have the technical ability to allow subscribers to quickly download Internet data, subscribers may want to port their landline number to a wireless provider, thereby freeing the landline for high speed Internet access and allowing the former landline number to be used for wireless voice service.

³ Currently, wireless customers are less likely to give out their wireless phone numbers due to the high cost of receiving phone calls. Moreover, many subscribers do not even know their wireless phone number. The implementation of Calling Party Pays may reverse this situation.

⁴ The FCC’s *First Report and Order* states that “Congress has recognized that number portability will lower barriers to entry and promote competition in the local exchange marketplace.” In the Matter of Telephone Number Portability, *First Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 95-116 (rel. July 2, 1996) at ¶ 2 (“*First Report and Order*”). Additionally, Section 251(b)(2) of the Telecommunications Act of 1996 which mandates that all local exchange carriers provide number portability to the extent

requirement of service provider portability between wireless and wireline carriers, competition in the local loop will be fostered by allowing wireless carriers to compete for wireline customers. NANC's conclusion that "no service competition exists and is not expected in the foreseeable future"⁵ is merely an adoption of the wireline industry's anticompetitive rhetoric. Evidently, the wireline industry is more concerned with insulating themselves from sources of both actual and potential competition than they are in opening their markets to competition. Thus, while the wireline segment of the industry may characterize the "rate center issue" as resulting in a "competitive disparity," the realities of the marketplace are such that portability between wireless and wireline providers is in the public interest. To the extent that wireline carriers are harmed, if at all, it will be because competition finally comes to the local exchange market. The marketplace may indeed appear cruel to a monopoly provider, but the marketplace does not unfairly discriminate. NANC's proposal simply throws the baby out with the bath water.

Furthermore, any "disparity" perceived by the wireline industry fully comports with the Commission's "Policy Objectives for Numbering,"⁶ contrary to NANC's tentative evaluation. In its "Policy Objectives for Numbering," the Commission stated that the administration of the North American Numbering Plan (NANP) "should not *unduly* favor or disadvantage any particular industry segment or group of consumers."⁷ (Emphasis added). To the extent that the

technically feasible, is embodied in Title II, Part II of the Communications Act, which is entitled "Development of Competitive Markets." 47 U.S.C. § 251.

⁵ Rate Center Paper, *supra* n. 2.

⁶ See, "Policy Objectives for Numbering," *Report and Order*, CC Docket No. 92-237 (rel. July 13, 1995).

⁷ *Id.*

wireless industry will be favored, if at all, by retaining the requirement of service provider portability between wireless and wireline carriers, it will not come as a result of the administration of the NANP or the Commission's regulatory scheme. Again, if wireless providers are favored at all, it will come as a result of market forces.

Another reason the wireline segment of the industry will not be *unduly* disadvantaged is because most large wireline carriers have wireless subsidiaries. Allowing wireline subscribers to port their numbers to wireless providers will indirectly benefit those wireline carriers by way of their wireless subsidiaries.

For the above reasons, the Commission should continue to mandate LNP between wireless and wireline providers, despite any possible "disparity." If the Commission determines that market demand exists for porting from a wireless carrier to a wireline carrier, the Commission should take appropriate action to resolve the issue at that time.

B. Requests for Service Provider Portability Should Be Satisfied Through a Third-Party Clearinghouse at No Expense to CMRS Providers.

RTG supports CTIA's proposal for CMRS providers use of an information clearinghouse to satisfy their federal obligation to provide other carriers with information concerning switches for which LNP has been deployed, but only to the extent that such services can be provided at no additional cost to CMRS providers. The Commission should treat the provision of such services by a third-party clearinghouse as carrier-specific costs directly related to providing LNP, thereby allowing CMRS carriers to recover the costs of those services provided on their behalf.⁸

⁸ See, In the Matter of Telephone Number Portability, *Third Report and Order*, CC Docket No. 95-116 at ¶ 136 (rel. May 12, 1998) ("*Third Report and Order*").

C. The Local Service Request (LSR) Process Should Be Modified and Maintained Until a Replacement Process Is Decided Upon.

The existing Local Service Request (LSR) process should be modified to address the needs of wireless providers. Further, the modified process should be maintained, at a minimum, until the results of a feasibility/cost study are available to determine whether an automated solution to the LSR process can be implemented. Should such a study determine, however, that an automated solution is both technically and economically feasible, the modified LSR process should be eliminated for all porting between wireless carriers, as well as between wireless and wireline carriers, only upon an express determination by the FCC that the cost of changes to the Number Portability Administration Center Service Management System (NPAC/SMS) or Service Order Administration (SOA) necessary to support inter-carrier communication is recoverable by CMRS providers as carrier-specific costs directly related to providing LNP.

D. Separation of the Mobile Identification Number (MIN) To Support Roaming and Other Integral Services Will Entail Many Difficulties.

As the *NANC Report* accurately recognized, the consensus among the wireless industry is that the mobile identification number (MIN) must be split into two, discrete segments in order for wireless carriers to support roaming, E911, and other essential services in a LNP environment. Yet, many issues have to be resolved concerning the separation of the MIN, including issues related to standard-setting and testing. As such, the *NANC Report* was unable to make a recommendation concerning separation of the MIN. Indeed, the Cellular Telecommunications Industry Association (“CTIA”) has estimated that the signaling standards necessary to support the

MIN separation would need to be in place by December, 1998.⁹ Moreover, CTIA estimated that a system of administering MINs as Mobile Station Identifiers (“MSIDs”) would need to be ready by March, 1999¹⁰ in order for wireless providers to meet the Commission’s mandate that CMRS providers implement LNP which will support roaming by June 30, 1999.¹¹ Assuming *arguendo* that CTIA’s timeline is achievable, carriers would still need time to upgrade their networks and test their systems. Thus, based on the issues that remain to be resolved and the short time frame involved, it appears that CMRS providers will be unable to meet the Commission’s mandate. Therefore, the Commission must delay the implementation of LNP as it applies to CMRS providers beyond the current June 30, 1999 deadline.

⁹ See, CTIA Report on Wireless Number Portability, Version 2.0, July 7, 1998 at p.20.

¹⁰ *Id.* at p.26

¹¹ *First Report and Order, supra*, n. 2 at ¶ 166.

CONCLUSION

RTG wholly supports the Commission's integration of wireless providers in the LNP process. LNP will permit wireless providers the ability to compete for wireline subscribers and therefore will stimulate competition in the local exchange market. However, because several key issues have yet to be resolved concerning CMRS providers' ability to implement LNP which will support roaming, RTG respectfully requests that the Commission delay the implementation of LNP as it applies to CMRS providers until the issues enumerated in the *NANC Report* are resolved.

Respectfully submitted,

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Dated: August 10, 1998

Certificate of Service

I, Joy Barksdale, an employee in the law firm of Bennet & Bennet, PLLC, hereby certify that a copy of the foregoing Comments of the Rural Telecommunications Group, have been served, via hand delivery, on the following, this 10th day of August 1998:

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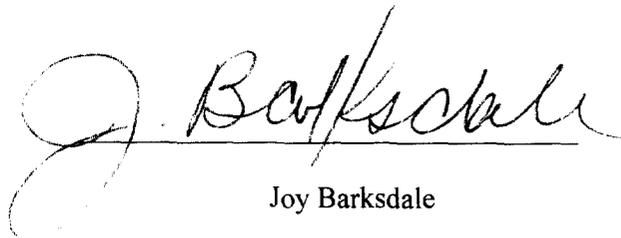
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